

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MONTEZ L. FULLER,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 10-cv-267-DRH
vs.)	
)	CRIMINAL NO. 06-cr-30117
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is before the Court on Petitioner Montez Fuller's motion for relief pursuant to 28 U.S.C. § 2255.

A jury found Fuller guilty of two counts of armed bank robbery and two counts of using of a firearm during a crime of violence. On January 18, 2008, Fuller was sentenced to an aggregate term of 564 months imprisonment, five years supervised release, restitution of \$58,316, and a special assessment of \$400. His conviction and sentence were affirmed on appeal. *United States v. Fuller*, 306 Fed.Appx. 297 (7th Cir.), *cert. denied* 129 S.Ct. 2037 (2009). Fuller then filed the instant motion under § 2255.

In his motion, Fuller argues: (1) he was denied a trial within the constraints of the Speedy Trial Act; (2) he was denied due process due to introduction of unreliable evidence and testimony; (3) counsel was ineffective in failing to investigate government witnesses and failing to challenge warrantless searches, (4) he was denied his choice of counsel despite a conflict; (5) counsel was ineffective in failing to present evidence that other suspects had committed the robbery he was

charged with; (6) counsel was ineffective in failing to attempt to suppress the testimony of government witness Joyce Purcell; and (7) counsel was ineffective in failing to file a motion for new trial after discovery of new evidence.

The Court **ORDERS** the Government to file a response to Fuller's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

Fuller's motion to compel (Doc. 2) is now **MOOT**.

IT IS SO ORDERED.

DATED: August 3, 2010.

/s/ David R Herndon
CHIEF JUDGE
UNITED STATES DISTRICT COURT